

### **DETAILED ACTION**

**Upon Board of Patent Appeals and Interferences' decision on 9/22/2008, the application has been re-considered.**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative Peter Manzo on 9/29/2008.

Claims 1 – 20 are pending.

**The application has been amended as follows:**

Rewrite claim 1 as follows:

"1. A method for updating a retail planogram comprising the steps of:  
reading an electronic location information transmitted from at least one RFID tag in a retail environment located in proximity to a product, using a personal shopper device having a location sensing mechanism, a memory, a software means, and an RFID reader, wherein an initial planogram is stored therein,  
collecting said read electronic location information transmitted from said at least one RFID tag by said shopper device,

analyzing and comparing said collected location information by said software means of said shopper device, with said initial planogram in relation to initial location information of said product with collected location information for said product from said collected information,

updating said initial location information for said product in said initial planogram in response to collected location information to provide an updated planogram to display current location information for said product in a current planogram arrangement in said retail environment.”

Rewrite claim 5 as follows:

“5. The method of claim 4, wherein said read electronic location information includes unique product identifiers and unique location identifiers indicating unique information about products in said retail environment.”

Rewrite claim 10 as follows:

“10. A system for updating a planogram comprising:  
a personal shopper device having a location sensing means, a software means and an RFID reader,  
a retail system comprising a database in communication with said shopper device,  
an initial planogram stored in said database, and  
one or more product RFID shelf labels positioned in a retail environment,

wherein said RFID reader is capable of reading an electronic information transmitted from at least said one or more RFID shelf labels using said personal shopper device and transmitting collected read electronic information to said database, wherein said initial planogram is updated in response to collected read electronic information by said software means and said database is updated with a current planogram reflecting said collected read electronic information."

Rewrite claim 14 as follows:

"14. The system of claim 11, wherein said RFID shelf label further comprises visible product information including per unit price."

Rewrite claim 15 as follows:

"15. The system of claim 11, wherein said RFID shelf label transmits electronic information including unique product identifiers and unique location identifiers indicating unique information to said RFID reader."

Rewrite claim 19 as follows:

"19. A system for generating an updated planogram in a retail environment comprising:

a personal shopper device having a location sensor, comparative software and an RFID reader,

a retail system comprising a server,

a database in communication with said shopper device,  
a wireless communication network,  
an initial planogram stored in said database, and  
a plurality of product RFID shelf labels positioned in proximity to each of their respective products, wherein said RFID reader reads product location information electronically transmitted from at least one of said plurality of product RFID shelf labels using said personal shopper device and said comparative software compares initial product location information of said initial planogram with said read product location information and updates said initial planogram in response to said read product location information and said database is updated with a current planogram in relation to said read product location information."

***Allowable Subject Matter***

**Claims 1 – 20 are allowed:**

Claims 1, 10 and 19 identify the distinct features, namely reading location information transmitted from an RFID tag located in proximity to a product, collecting the location information by a shopper device, analyzing and comparing the collected location information by a software means of said shopper device, with an initial planogram in relation to initial location information of said product with collected location information for said product, and finally updating the initial planogram to provide an updated planogram to display current location information for said product. The closest prior art, Neumark (U.S. Patent Number 6,550,674) disclosing a system for cataloguing

an inventory using labels, label readers and location sensing means, fails to suggest the claimed limitations as mentioned above in combination with other claimed elements.

The above features in conjunction with all other limitations of the dependent and independent claims 1 – 20 are hereby allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANGWOO AHN whose telephone number is (571)272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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